

May 14, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEANETTE R.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-cv-03197-RHW

**ORDER GRANTING MOTION FOR
REMAND FOR FURTHER
PROCEEDINGS**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 15.** The Commissioner of Social Security denied Plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C § 401-434, and her application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C §1381-1383f. AR 1-5, 15-35, 77-78, 88-89, 105, 119-20. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 1. The parties now jointly move the Court to reverse and remand for further administrative proceedings. ECF No. 15. Based on the agreement of the parties and the record, the Court finds good cause to **GRANT** the Motion.

The Commissioner's decision to deny Plaintiff's application for disability benefits is **REVERSED** and **REMANDED** for further proceedings pursuant to

1 sentence four of 42 U.S.C. § 405(g). Upon remand, the administrative law judge
2 shall: (1) conduct a new hearing, further develop the record as necessary, and issue
3 a new decision; (2) reevaluate and further develop the medical evidence or record;
4 (3)reevaluate steps two and three of the sequential evaluation process; (4)
5 reevaluate Plaintiff's credibility; and (5) reevaluate Plaintiff's residual functional
6 capacity pursuant to SSR 96-8p; reevaluate steps four and five of the sequential
7 evaluation process with the assistance of a vocational expert, as necessary. ECF
8 No. 15 at 2. The parties also agree that reasonable attorney fees may be awarded
9 under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request to
10 the Court. *Id.*

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is **GRANTED**.

13 2. The Commissioner's decision is **REVERSED** and this matter is
14 **REMANDED** for further administrative proceedings consistent with this
15 order.

16 3. All pending motions in this matter are now moot.

17 4. Reasonable attorney fees may be awarded under the Equal Access to
18 Justice Act, 28 U.S.C. § 2412 and/or 28 U.S.C. § 1920, upon proper request
19 to the Court.

20 5. The District Court Executive shall enter judgment for the Plaintiff and
21 against Defendant.

22 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
23 Order, forward copies to counsel, and **close the file**.

24 **DATED** this 14th day of May, 2019.

25
26 *s/Robert H. Whaley*
27 **ROBERT H. WHALEY**
28 Senior United States District Judge